

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

HOWARD EALY,

Plaintiff,

vs.

CV F 02 5897 AWI WMW P

ORDER

DR. ZOLLER, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on the February 18, 2005, third amended compliant. The third amended complaint states a claim against defendants Zoller, Rhodes, Kim and Sinclair for deliberate indifference to his medical needs, in violation of the Eighth Amendment. Accordingly, it is HEREBY ORDERED that:

1. Service is appropriate for the following defendants:

DR. ZOLLER

DR. RHODES

DR. KIM

MTA SINCLAIR

2. The Clerk of the Court shall send plaintiff four USM-285 forms, four summonses,

1 a Notice of Submission of Documents form, an instruction sheet and a copy of the  
2 third amended complaint filed February 18, 2005.

3 3. Within **thirty (30) days** from the date of this order, plaintiff shall complete the  
4 attached Notice of Submission of Documents and submit the completed Notice to  
5 the court with the following documents:

6 a. Completed summons;

7 b. One completed USM-285 form for each defendant listed above; and

8 c. Five copies of the endorsed third amended complaint filed February 18,  
9 2005.

10 4. Plaintiff need not attempt service on defendants and need not request waiver of  
11 service. Upon receipt of the above-described documents, the court will direct the  
12 United States Marshal to serve the above-named defendants pursuant to Federal  
13 Rule of Civil Procedure 4 without payment of costs.

14 5. The failure to comply with this order will result in a recommendation that this  
15 action be dismissed.

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18  
19 IT IS SO ORDERED.

20 **Dated: August 29, 2005**  
21 mmkd34

/s/ William M. Wunderlich  
UNITED STATES MAGISTRATE JUDGE